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HAGOP T. BEDOYAN, CSB NO. 131285
KLEIN, DENATALE, GOLDNER,
COOPER, ROSENLIEB & KIMBALL, LLP
5260 N. Palm Avenue, Suite 205
Fresno, California 93704
Telephone: (559) 438-4374
Facsimile: (661) 326-0418
Email: hbedoyan@kleinlaw.com;

Brandon N. Krueger, Esq. (SBN 221432)(Admission Pending)
bkrueger@sallspencer.com
Lara A.S. Callas, Esq. (SBN 174260)(Admission Pending)
lcallas@sallspencer.com
SALL SPENCER CALLAS & KRUEGER
A Law Corporation
32351 Coast Highway
Laguna Beach, CA 92651
Telephone: (949) 499-2942
Facsimile: (949) 499-7403

Attorneys for Healthcare Conglomerate Associates, LLC
and Vi Healthcare Finance, Inc.

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

In re:

SOUTHERN INYO HEALTHCARE
DISTRICT,

Debtor.

Case No.: 16-10015-A-9

Chapter 9

DC No.: KDG-4

Date: November 4, 2018
Time: 1:30 p.m.
Place: United States Bankruptcy Court
2500 Tulare Street, Fifth Floor
Department A, Courtroom 11
Fresno, California
Judge: Honorable Fredrick E. Clement

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION TO DISQUALIFY
ASHLEY M. MCDOW AND FOLEY & LARDNER AS ATTORNEYS
FOR DEBTOR

1 Pursuant to Federal Rules of Evidence, Rule 201, Vi Healthcare Finance, Inc. hereby
2 requests the court to take judicial notice of the following documents:

3 1. Complaint for: (1) Avoidance of Unauthorized Post-Petition Transfers; (2)
4 Breach of Contract; (3) Accounting; (4) Negligence; (5) Concealment; (6) Breach of Fiduciary
5 Duty; (7) Declaratory Relief; (8) Equitable Subordination; (9) Violation of Government Code
6 § 8314, filed on May 30, 2018 in the United States Bankruptcy Court Eastern District of
7 California, Fresno Division Case of *Southern Inyo Healthcare District v. Healthcare*
8 *Conglomerate Associates, LLC*, et al., bearing Case Number 18-01031 (Doc. #1), a true and
9 correct copy of which is attached to the concurrently filed Appendix of Exhibits ("Appendix")
10 as Exhibit "L," and is fully incorporated herein by reference.

11 2. Request for Judicial Notice in Support of Motion for Authorization to Reject
12 Executory Contract of Healthcare Conglomerate Associates, LLC, filed on October 18, 2017 in
13 the United States Bankruptcy Court Eastern District of California, Fresno Division Case of
14 *Tulare Local Healthcare District, dba Tulare Regional Medical Center*, bearing Case Number
15 17-13797 ("Tulare Action") (Doc. #103), a true and correct copy of which is attached to the
16 Appendix as Exhibit "M," and is fully incorporated herein by this reference.

17 3. Application for Ex Parte Order Authorizing FRBP 2004 Examination and
18 Production of Documents (Bakerhostetler), filed on December 5, 2017 in the Tulare Action
19 (Doc. #255), a true and correct copy of which is attached to the Appendix as Exhibit "N," and
20 is fully incorporated herein by this reference.

21 4. Order Granting Application for Order Authorizing FRBP 2004 Examination and
22 Production of Documents (Bakerhostetler), filed on December 5, 2017 in the Tulare Action
23 (Doc. #256), a true and correct copy of which is attached to the Appendix as Exhibit "O," and
24 is fully incorporated by this reference.

25 5. Proof of Claim, filed on April 10, 2018 in the Tulare Action (Claim #238), a true
26 and correct copy of which is attached to the Appendix as Exhibit "P," and is fully incorporated
27 by this reference.

28 6. Voluntary Petition for Non-Individuals Filing for Bankruptcy by Southern Inyo

1 Healthcare District, filed on January 4, 2016 in the current matter (Doc. #1), a true and correct
2 copy of which is attached to the Appendix as Exhibit "Q," and is fully incorporated by this
3 reference.

4 7. Emergency Motion (1) for Authority to Immediately Terminate HCCA
5 Management Agreement or, in the Alternative, for Authority to Modify the Terms of the
6 HCCA Management Agreement in Order to Designate the Board as the Sole Signatory on all
7 District Bank Accounts and (2) to Continue Hearing on Second Amended Disclosure Statement
8 and Associated Filing Deadlines, filed on October 17, 2017 in the current matter (Doc. #325), a
9 true and correct copy of which is attached to the Appendix as Exhibit "R," and is fully
10 incorporated by this reference.

11 8. Declaration of Ashley M. McDow in Support of the Emergency Motion (1) for
12 Authority to Immediately Terminate HCCA Management Agreement or, in the Alternative, for
13 Authority to Modify the Terms of the HCCA Management Agreement in Order to Designate
14 the Board as the Sole Signatory on All District Bank Accounts and (2) to Continue Hearing on
15 Second Amended Disclosure Statement and Associated Filing Deadlines, filed on October 17,
16 2017 in the current matter (Doc. #326), a true and correct copy of which is attached to the
17 Appendix as Exhibit "S," and is fully incorporated by this reference.

18 9. Order Granting Application for Order Setting Hearing on Shortened Notice Re
19 Emergency Motion (1) For Authority to Immediately Terminate HCCA Management
20 Agreement or, in the Alternative, for Authority to Modify the Terms of the HCCA
21 Management Agreement in Order to Designate the Board as the Sole Signatory on All District
22 Bank Accounts and (2) to Continue Hearing on Second Amended Disclosure Statement and
23 Associated Filing Deadlines, filed on October 17, 2017 in the current matter (Doc. #328), a true
24 and correct copy of which is attached to the Appendix as Exhibit "T," and is fully incorporated
25 by this reference.

26 10. Declaration Re Provision of Notice of Hearing on Emergency Motion, filed on
27 October 17, 2017 in the current matter (Doc. #329), a true and correct copy of which is attached
28 to the Appendix as Exhibit "U," and is fully incorporated by this reference.

1 11. Declaration of Ashley M. McDow in Support of the Emergency Motion to
2 Continue Hearing on the Status Conference and the Associated Filing Deadlines, filed on
3 October 26, 2017 in the current matter (Doc. #339), a true and correct copy of which is attached
4 to the Appendix as Exhibit "V," and is fully incorporated by this reference.

5 12. Administrative Expense Claim, filed on November 6, 2017 in the current matter
6 (Doc. #355), a true and correct copy of which is attached to the Appendix as Exhibit "W," and
7 is fully incorporated by this reference.

8 13. Proof of Claim, filed on November 6, 2017 in the current matter (Claim #48-1),
9 a true and correct copy of which is attached to the Appendix as Exhibit "X," and is fully
10 incorporated by this reference.

11 14. Notice of Settlement Re: Emergency Motion (1) for Authority to Immediately
12 Terminate HCCA Management Agreement or, in the Alternative, for Authority to Modify the
13 Terms of the HCCA Management Agreement in Order to Designate the Board as the Sole
14 Signatory on All District Bank Accounts; and (2) to Continue Hearing on Second Amended
15 Disclosure Statement and Associated Filing Deadlines [Docket No. 325], filed on November
16 22, 2017 in the current matter (Doc. #377), a true and correct copy of which is attached to the
17 Appendix as Exhibit "Y," and is fully incorporated by this reference.

18 15. Order Approving Stipulation Re Rejection of HCCA Management Agreement,
19 filed on December 2, 2017 in the current matter (Doc. #382), a true and correct copy of which
20 is attached to the Appendix as Exhibit "Z," and is fully incorporated by this reference.

21 16. Application for Ex Parte Order Authorizing FRBP 2004 Examination and
22 Production of Documents (Southern Inyo Healthcare District), filed on December 8, 2017 in
23 the current matter (Doc. #388), a true and correct copy of which is attached to the Appendix as
24 Exhibit "AA," and is fully incorporated by this reference.

25 17. Order Granting Application for Order Authorizing FRBP 2004 Examination and
26 Production of Documents (Southern Inyo Healthcare District), filed on December 12, 2017 in
27 the current matter (Doc. #392), a true and correct copy of which is attached to the Appendix as
28 Exhibit "BB," and is fully incorporated by this reference.

1 18. Second Amended Disclosure Statement with Respect to the Plan for the
2 Adjustment of Debts of Southern Inyo Healthcare District, filed on January 17, 2018 in the
3 current matter (Doc. #397), a true and correct copy of which is attached to the Appendix as
4 Exhibit "CC," and is fully incorporated by this reference.

5 19. Request for Payment of Administrative Expense Claim of Healthcare
6 Conglomerate Associates, LLC Arising Out of Rejection of Executory Contract (11 U.S.C. §§
7 503(b) and 507(a)(2)), filed on January 30, 2018 in the current matter (Doc. #406), a true and
8 correct copy of which is attached to the Appendix as Exhibit "DD," and is fully incorporated by
9 this reference.

10 20. Ex Parte Motion to Remove from the Record and Replace the Chapter 9 Status
11 Report Filed with the Court on May 17, 2018 Due to Inadvertent Disclosure of Highly
12 Sensitive Information; Declaration of Ashley M. McDow in Support, filed on May 17, 2018 in
13 the current matter (Doc. #436), a true and correct copy of which is attached to the Appendix as
14 Exhibit "EE," and is fully incorporated by this reference.

15 21. Request for Payment of Administrative Expense Claim of Vi Healthcare
16 Finance, Inc. (11 U.S.C. §§ 503(b) and 507(a)(2)), filed on June 8, 2018 in the current matter
17 (Doc. #447), a true and correct copy of which is attached to the Appendix as Exhibit "FF," and
18 is fully incorporated by this reference.

19 22. Substitution of Attorney for Baker & Hostetler LLP, filed on June 14, 2018 in
20 the current matter (Doc. #450), a true and correct copy of which is attached to the Appendix as
21 Exhibit "GG," and is fully incorporated by this reference.

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23. Order Approving Substitution of Attorney, filed on June 26, 2018 in the current matter (Doc. #452), a true and correct copy of which is attached to the Appendix as Exhibit “HH,” and is fully incorporated by this reference.

Dated: October 15, 2018

KLEIN, DENATALE, GOLDNER, COOPER,
ROSENLIEB & KIMBALL LLP



By: /s/ Hagop T. Bedoyan
HAGOP T. BEDOYAN,
Attorneys for HealthCare Conglomerate
Associates, LLC and Vi Healthcare Finance,
Inc.